

## SECTION 4 - RESIDENTIAL

4.1 RESIDENTIAL DISTRICTS ESTABLISHED - Certain classes of districts, designated by the symbol "R" followed by a numeral, or a numeral and letter, and referred to collectively herein as Residential Districts or R Districts, are established to provide space in suitable locations for the various types of residential accommodations needed in the City, and to provide a means of regulating the density and distribution of the population in conformance with the purposes of the Comprehensive General Plan and this Ordinance.

\* 4.2 REGULATIONS FOR SINGLE FAMILY RESIDENTIAL DISTRICT - R-1E, R-1H, R-1A, R-1B AND R-1C - The regulations in this Section shall apply to all land in the R-1E, R-1H, R-1A, R-1B, and R-1C Districts referred to collectively hereinafter as the R-1 Districts, and shall be subject to all the general provisions and regulations of this Ordinance.

### 4.2.1 PERMITTED USES

- (a) One-family residences in which not more than two paying guests may be lodged and/or furnished meals.
- \*\* (b) Secondary dwelling units in compliance with development standards outlined in Section 24.3, Secondary Dwelling Unit, as set forth herein.
- (c) Crop and tree farms and gardens.
- (d) Accessory structures and uses located on the same site as a one-family residence for which the use is clearly related to single family dwelling, including the following:
  - 1) Garages and carports. (See Section 9.5.4(a).)
  - 2) Garden structures.
  - 3) Greenhouses.
  - 4) Storage buildings.
  - 5) Recreation rooms.
  - 6) Hobby shops provided that no noisy or otherwise objectionable machinery or equipment is used and provided that no sales are made therefrom.
  - 7) Private swimming pools.
- (e) Home occupations as defined in Section 2.68.

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\* Amended by Ord. #646, 2/26/79

\*\* Amended by Ord. #999, 5/27/04

- (f) Temporary subdivision sales offices in accordance with the provisions of Section 9.5.2 of this Ordinance.
- (g) Temporary buildings or trailers used during construction on the site, for a period not to exceed the duration of such construction.
- (h) Signs as regulated in Section 4.2.8 herein.
- (i) Television antennas provided that all such antennas shall be attached to the residence structure.

4.2.2 **CONDITIONAL USES** - The following uses shall be permitted only when authorized by a Conditional Use Permit issued in accordance with the provisions of Section 11 herein:

- (a) Public parks and playgrounds and other public recreation facilities.
- (b) Golf course, public or private.
- (c) Public, parochial and private elementary schools and high schools.
- (d) Kindergartens, nursery schools and day-care centers.
- (e) Private, non-profit schools and colleges not including business, professional or trade schools and colleges.
- (f) Churches, parish houses, monasteries, convents and other religious institutions.
- (g) Public and private philanthropic institutions.
- (h) Nursing homes, convalescent homes or rest homes accommodating not more than five patients, not including nursing homes for mental or drug addiction or liquor addiction cases.
- (i) Public and private, non-profit libraries, art galleries and museums.
- (j) Public buildings and grounds when found by the Commission to be necessary for the public health, safety or welfare.
- (k) Public utility and public service structures or installations when found by the Commission to be necessary for the public health, safety or welfare.
- (l) Incidental and accessory structures and uses located on the same site with and necessary to the operation of a Conditional Use.
- (m) Television antennas of a height greater than 15 feet.
- (n) Radio transmittal antennas, but excluding commercial broadcasting facilities.

- \* (o) Secondary living units which exceed development standards as outlined in Section 24.3(d), Secondary Dwelling Unit, as set forth herein.

#### 4.2.3 SITE AREA, DIMENSION AND DENSITY LIMITATIONS.

- \*\* (a) **SITE AREA.** The minimum site area shall be as follows: R-1E - one acre; R-1H - 20,000 square feet; R-1A - 9,600 square feet; R-1B - 6,000 square feet; R-1C - 5,000 square feet; provided, however, that in a subdivision in any R-1A District containing not less than 10 acres, the minimum lot area may be reduced to not less than 7,200 square feet in not more than 20 percent of the sites, and further provided that the average of the area of all lots within said subdivision shall not be less than 9,600 square feet.
- (b) **SITE WIDTH.** The average width of a lot shall be as follows: R-1E - 150 feet; R-1H - 100 feet; R-1A - 70 feet; R-1B - 60 feet; R-1C - 50 Feet.
- (c) **SITE FRONTAGE.** All lots shall maintain a minimum street frontage of not less than 30 feet.
- \*\*\* (d) **FLOOR AREA:** The permitted Floor Area (FA) of buildings shall be determined by multiplying net lot area by the Floor Area Ratio corresponding to the slope of the lot as shown in the following chart:

% SLOPE	FAR	% SLOPE	FAR	% SLOPE	FAR
0	0.533	16	0.506	31	0.385
1	0.533	17	0.499	32	0.374
2	0.533	18	0.493	33	0.364
3	0.533	19	0.486	34	0.354
4	0.533	20	0.480	35	0.344
5	0.533	21	0.471	36	0.334
6	0.533	22	0.463	37	0.324
7	0.533	23	0.454	38	0.314
8	0.533	24	0.446	39	0.303
9	0.533	25	0.437	40	0.293
10	0.533	26	0.429	41	0.288
11	0.529	27	0.420	42	0.283
12	0.525	28	0.412	43	0.277
13	0.521	29	0.403	44	0.272
14	0.516	30	0.395	45 & UP	0.267
15	0.512				

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\* Amended by Ord. #716, 12/13/83; and by Ord. #999, 5/27/04

\*\* Amended by Ord. #646, 2/26/79

\*\*\* Amended by Ord. #820, 10/26/89

There is a minimum permitted floor area of 1,200 square feet in all R-1 zoning districts, with a maximum gross floor area of 4,500 square feet in the R-1E and R-1H zoning districts, and a maximum gross floor area of 3,500 square feet in all other R-1 zoning districts.

\* (e) HEIGHT (Single-Family Districts) - No dwelling or other primary structure shall have a height in excess of twenty-eight (28) feet. No accessory structure shall have a height greater than fifteen (15) feet.

\*\* (f) NUMBER - Not more than one building designed or used as a single family dwelling, and not more than one secondary dwelling unit, as defined herein, shall occupy a lot.

\*\*\* 4.2.4 FRONT YARD - The minimum depth of the front yard in R-1E and R-1H Districts shall be 25 feet and for lots in the R-1A, R-1B and R-1C Districts shall be 15 feet, except as provided in Section 9.7.4; provided, however, that the sum of the front yard plus one-half of the right-of-way of the street on which the site front shall not be less than 40 feet; and further provided that no building occupying property fronting on a private road or easement shall be less than 45 feet from the center line of such private road or easement. The minimum on-site driveway length from property line to the face of the garage shall be 18 feet. The 18 feet shall be provided entirely within the subject property pursuant to Section 8.3.1(d) of this Ordinance.

\*\*\*\* 4.2.5 SIDE YARD

(a) For a one family dwelling, the minimum width of the side yard on interior lot lines shall be 15 feet in the R-1E Districts; in the R-1A, R-1B, R-1C and R-1H Districts side yard setbacks shall be ten (10) percent of the lot width with a minimum setback of six (6) feet and a maximum setback of nine (9) feet.

(b) On the side lot line having frontage on a street of a corner lot in any R-1E Districts, the minimum width shall be 25 feet and in any R-1A, R-1B and R-1C Districts the minimum width shall be 15 feet and for a principal building other than a one family dwelling, the minimum width of such side yard shall be not less than one-half the height of the building, but in no case less than 15 feet.

(c) No accessory building on a reversed corner lot shall project beyond the inner line of the front yard required on the adjacent lot to the rear, nor be located less than five feet from the side lot line of such adjacent lot.

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\* Amended by Ord. #820, 10/26/89

\*\* Amended by Ord. #999, 5/27/04

\*\*\* Amended by Ord. #850, 10/24/91

\*\*\*\* Amended by Ord. #619, 3/13/72; and by Ord. #623, 4/24/78

- \* 4.2.6 REAR YARD - The minimum depth of any rear yard shall be 30 feet in the R-1E and R-1H Districts, 20 feet in the R-1A Districts, and 15 feet in the R-1B and the R-1C Districts; provided however, that nonhabitable accessory buildings (i.e.garages and storage sheds) may be built to within five feet of any rear lot line in the R-1A, R-1B, and R-1C Districts. Detached buildings which include habitable floor area (including secondary dwelling units) shall meet the minimum rear yard depth requirements of the aforementioned residential zoning districts.
- 4.2.7 OFF-STREET AUTOMOBILE PARKING - Off-street automobile parking space shall be provided in accordance with the provisions of Section 8 of this Ordinance.
- \*\* 4.2.8 SIGNS - Signs are permitted as regulated in the Sign Ordinance of the City.
- 4.2.9 FENCES, WALLS AND HEDGES - Fences, walls and hedges not exceeding six feet in height shall be permitted with the exception that no fence, wall, or hedge shall exceed 3-1/2 feet in height when located in a required front yard within 40 feet of a street intersection
- \*\*\* 4.2.10 EXCEPTIONS TO SINGLE FAMILY FLOOR AREA STANDARDS.
- \*\*\*\* A. PURPOSE - Exceptions to single family floor area standards may be granted to prevent or lessen inconsistencies in floor area ratio standards among neighboring properties and to assist in providing adequate off street parking, or when no significant increase in building bulk results; provided such exceptions would not be a grant of special privilege or be inconsistent with the intent of the General Plan or Zoning Ordinance.
- B. APPLICATION - Application for an exception shall be made to the Commission upon a form provided by the Community Development Department. The application shall contain or be accompanied by all information and plans specified on the application form provided.
- C. FEE - The application shall be accompanied by a receipt showing that an application fee in accordance with the fee schedule established by resolution of the City Council.
- D. PLANNING COMMISSION REVIEW REQUIRED - All applications for exceptions to floor area standards, except administrative exceptions, shall be considered by the Planning Commission in a public hearing noticed in the manner set forth in Section 11.4.1.

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\* Amended by Ord. #999, 5/27/04  
 \*\* Amended by Ord. #867, 12/24/92  
 \*\*\* Amended by Ord. #850, 10/24/91  
 \*\*\*\* Amended by Ord. #857, 3/25/92

When approving or conditionally approving or denying any application for an exception the Commission shall consider whether the findings set forth below are supported by the request. The Commission shall deny any application not meeting all of these findings:

1. The granting of the exception will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
2. The addition will not adversely affect the views or privacy of adjacent property.
3. The addition is compatible with the existing residence and neighboring properties.
4. The exception would not result in excessive grading or tree removal.

E. ADMINISTRATIVE EXCEPTIONS: The Director of Community Development may administratively approve exceptions to floor area standards for single family homes provided the Director finds that the findings listed below are met for the respective application type. Applications which are found not to meet these criteria and findings shall not be administratively approved and shall be subject to the same procedures requiring Planning Commission review.

1. Findings for additions of 100 sq. ft. or less:
  - a. No exception to floor area for a home addition of 100 sq. ft. or less has previously been approved and built on the subject property.
  - b. Any administrative exception previously approved for a home addition of 100 sq. ft. or less, which has not yet been built, will be null and void upon approval of the current request.
  - c. The exception, if granted and built, will not cause the home to be larger than the maximum permitted home size allowed within the applicable zoning district.
2. Findings for a garage addition of 450 sq. ft. or less:
  - a. The addition will not adversely affect the views or privacy of adjacent property.
  - b. The addition is compatible with the existing residence and neighboring properties.

- c. The exception would not result in excessive grading or tree removal.
- d. The amount of exception requested is not more than 450 sq. ft. and would be used entirely for the construction of garage parking spaces for an existing residence which currently does not have a full two car garage.
- e. The exception requested will not be used for constructing or enlarging a garage to have more than two parking spaces and will not be used to construct storage or work areas within the garage.

3. Findings for interior additions of 350 sq. ft. or less:

- a. All added floor area will be located entirely within the confines of the exterior walls of the main structure, below existing floor area, and will not result in the moving, extending, or addition of any exterior walls.
- b. The addition will not be used for construction of a secondary dwelling unit.
- c. The addition will not adversely affect the privacy of adjacent property.
- d. The exception, if granted and built, will not cause the home to be larger than the maximum permitted home size allowed within the applicable zoning district.
- e. The granting of the exception will not be detrimental to the public health, safety or welfare, or be materially injurious to properties or improvements in the vicinity.

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F. EFFECT - An exception to floor area standards shall become effective 10 days following the date on which the request is granted unless subject to an appeal. An exception which has been the subject of an Appeal to the Council or review by the Council shall become effective 3 days following the date on which the exception is granted by the Council.

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G. LAPSE OF RESIDENTIAL FLOOR AREA EXCEPTION AND EXTENSION OF TIME - An exception shall lapse and shall become null and void one year following the date on which it became effective, unless prior to the expiration of one year, a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion on the site, or a certificate of occupancy is

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\* Added by Ord. #857, 3/25/92

\*\* Amended by ord. #906, 7/11/96

issued by the Building Official for the site which was the subject of the Exception application. Extensions of time shall be governed by Section 10.5.

- H. REVOCATION - An exception shall be deemed null and void upon a finding by the Zoning Administrator that the property for which such exception has been granted is in violation of any applicable provision of this Ordinance, or that there has been failure to comply with any condition or conditions imposed in the granting of such exception.
- I. NOTICE OF HEARING - All exceptions considered by the Planning Commission shall be subject to the noticing requirements of Section 11.
- J. NOTICE OF ADMINISTRATIVE ACTIONS - Notice of administrative approvals shall be mailed to all property owners within 300 feet of the property which is subject to the approval.

4.3 REGULATIONS FOR DUPLEX RESIDENTIAL DISTRICTS - R-2 - The regulations in this Section shall apply to all land in the R-2 Districts and shall be subject to all the general provisions and regulations of this Ordinance.

4.3.1 PERMITTED USES

- (a) Single family residences in which not more than two paying guests may be lodged and/or furnished meals.
- \* (b) Secondary dwelling units in compliance with development standards outlined in Section 24.3, Secondary Dwelling Unit, as set forth herein.
- (c) Two family dwellings or duplex structures.
- (d) Accessory structures and uses located on the same site as a single family or duplex dwelling for which the use is clearly related to a single family dwelling, including the following:
  - 1) Garages and carports.
  - 2) Garden structures.
  - 3) Greenhouses.
  - 4) Storage buildings.
  - 5) Recreation rooms.
  - 6) Hobby shops provided that no noisy or otherwise objectionable machinery or equipment is used and provided that no sales are made therefrom.

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\* Added by Ord. #999, 5/27/04



7) Private swimming pools.

- (e) Home occupations as defined in Section 2.68.
- (f) Temporary subdivision sales offices in accordance with the provisions of Section 9 of this Ordinance.
- (g) Temporary buildings or trailers used during construction on the site, for a period not to exceed the duration of such construction.
- (h) Signs as regulated in Section 4.2.8 herein.

4.3.2 CONDITIONAL USES - The following uses shall be permitted only when authorized by a Conditional Use Permit obtained as provided in Section 11 herein:

- (a) Those uses permitted in any R-1 District with a Conditional Use Permit and as regulated therein.

4.3.3 SITE AREA, DIMENSION AND DENSITY LIMITATIONS

- (a) SITE AREA - The minimum site area shall be 6000 square feet.
- (b) SITE WIDTH - The minimum average width of a lot shall be 60 feet.
- (c) SITE FRONTAGE - All lots shall maintain a minimum street frontage of not less than 30 feet.
- (d) FLOOR AREA RATIO - The floor area ratios of buildings and structures shall not exceed 0.6.
- (e) HEIGHT - No dwelling shall have a height in excess of two stories or 35 feet. No other permitted use shall have a height greater than 15 feet.
- \* (f) NUMBER - Not more than one building designed or used as a two family dwelling (duplex), or a single family dwelling and secondary dwelling unit, as defined herein, shall occupy a lot.

\*\* 4.3.4 YARD REQUIREMENTS - The yard requirements set forth in Sections 4.2.4, 4.2.5 and 4.2.6 for R-1C district shall apply to R-2 districts.

4.3.5 OFF-STREET AUTOMOBILE PARKING - Off-street automobile parking space shall be provided in accordance with the provisions of Section 8 of this Ordinance.

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\* Amended by Ord. #999, 5/27/04

\*\* Amended by Ord. #369, 7/10/67

4.3.6 SIGNS - The regulations set forth in Section 4.2.8 herein for R-1 Districts shall apply in R-2 Districts.

4.3.7 FENCES, WALLS AND HEDGES - The regulations set forth in Section 4.2.9 herein for R-1 Districts shall apply in R-2 Districts.

4.4 REGULATIONS FOR MULTI-FAMILY RESIDENTIAL DISTRICTS - R-3, (GARDEN APARTMENTS) - The regulations in this Section shall apply to all land in the R-3 Districts and shall be subject to all the general provisions and regulations of this Ordinance.

4.4.1 PERMITTED USES

(a) Any use permitted in the R-2 Residential Districts.

\* (b) Multi-family dwellings, provided however that new multi-family dwellings and additions thereto require a conditional use permit as provided herein.

(c) Single-family row dwellings.

(d) Accessory uses which are necessary to multi-family dwellings and single-family row dwellings.

4.4.2 CONDITIONAL USES - The following uses shall be permitted only when authorized by a Conditional Use Permit issued in accordance with the provisions of Section 11 herein:

(a) Those uses permitted in any R-1 or R-2 Districts with a Conditional Use Permit and as regulated therein.

(b) Homes for the ambulatory aged and retirement homes.

(c) Hospital or sanitarium.

\*\* (d) Any new multi-family residential buildings, additions to floor area for existing multi-family residential buildings, and the addition of dwelling units within existing multi-family residential buildings.

4.4.3 SITE AREA, DIMENSION AND DENSITY LIMITATIONS

\*\*\* (a) LOT AREA - Every building hereafter erected or structurally altered as a multiple-family dwelling, apartment or row dwelling structure containing more than two dwelling units in the R-3 Districts shall provide a lot area per dwelling unit of not less than 1,950 square feet plus 250 square feet

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\* Amended by Ord. #831, 10/11/90

\*\* Added by Ord. #831, 10/11/90; Amended by Ord. #999, 5/27/04

\*\*\* Amended by Ord. #502, 2/22/73

for each bedroom in such unit, and no such use shall be established on a site less than 6,000 square feet in area, provided however that:

1. Where a building site is of such size as to provide an excess area over and above the minimum required area of 1,950 square feet per dwelling unit, one additional dwelling unit, not including a bedroom, may be constructed or structurally altered, provided the excess lot area is 1,000 square feet or more.
  - \* 2. On sites designated R-3 within the Downtown Specific Plan Area as identified in the Downtown Plan Zoning Policy Map Figure 7.1 (pg. 7.13) and Land Use Policy Map Figure 5.1 (pg. 5.6), the minimum lot size shall be 7,200 square feet. Minimum lot frontage shall be 72 feet and minimum average lot width shall be 60 feet.
- (b) LOT AREA - CONDITIONAL USE - The minimum area and dimension of site for Conditional Uses which constitute the principal use of the property shall be prescribed by the Commission at the time a Conditional Use is authorized, but in no case shall any such site be less than 10,000 square feet in area, or less than 75 feet in average width.
- (c) FLOOR AREA RATIO - The floor area ratio of buildings and structures on a building site in this District shall not exceed 0.85.
- (d) HEIGHT LIMITATION - No multi-family structure in any R-3 District shall have a height in excess of two stories designed for living purposes or 35 feet, provided that in the case of structures having frontage on the down slope side of a street the maximum height and number of stories may be measured from top of curb at mid-point of frontage of said lot.
- \*\* (e) DOWNTOWN SPECIFIC PLAN SITE DEVELOPMENT STANDARDS - Maximum height for multi-family structures within the Downtown Specific Plan Area as identified in the Downtown Plan Zoning Policy Map Figure 7.1 and the Land Use Policy Map Figure 5.1, shall be 40 feet. Building and site design and development shall be subject to the provisions of Section 5.3.14, 5.3.15, 5.3.16, and 5.3.17 of this Ordinance together with all the general provisions of this Ordinance unless otherwise noted and in the event of conflict these regulations shall prevail.
- \* 4.4.4 YARD AREAS - No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement, except as provided for in the Downtown Specific Plan Area as identified in the Downtown Plan Zoning Policy Map Figure 5.1.

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\* Added by Ord. #850, 10/24/91

\*\* Amended by Ord. #481, 5/8/72

- (a) FRONT YARD - The minimum depth of front yard shall be 15 feet provided, however, that a greater depth may be required as prescribed in Section 9.7.4.
- (b) SIDE YARD
  - 1. For one and two story multiple-family dwellings there shall be provided and maintained a side yard of not less than six feet on each side of the principal building. For multiple-family dwelling structures of more than two stories in height, the side yard adjacent thereto shall be increased two feet in width for each additional story or fraction thereof above two stories, but in no case shall a side yard of more than 25 feet be required.
  - 2. For one and two story multiple-family dwellings on corner lots, there shall be maintained a minimum side yard of not less than 15 feet on the side adjacent to the street which intersects that street upon which the building maintains frontage, and in the case of a reversed corner lot, there shall be maintained a setback from the side street of not less than 50 percent of the front yard required on the lots in the rear of such corner lots but such setback need not exceed 10 feet. No accessory building on said reversed corner lot shall project beyond the front yard required on the adjacent lot to the rear, nor be located nearer than six feet to the side lot line of said adjacent lots. For multiple-family dwelling structures of more than two stories in height, the minimum required side yards shall be increased two feet in width for each additional story or fraction thereof, but in no case shall a side yard of more than 25 feet be required.
  - 3. On a site improved with a non-residential building, exclusive of residential accessory buildings, there shall be a side yard of not less than 10 feet on each side of the principal structure. Additional side yard area may be required as a part of the conditions of a Conditional Use Permit.
- (c) REAR YARD - The minimum rear yard shall be not less than 15 feet, for habitable portions of a principal building, and not less than 10 feet for all non-habitable structures or portions of the principal building. For buildings more than three stories in height the minimum rear yard shall be increase two feet for each additional story or fraction thereof, but in no case shall a rear yard of more than 25 feet be required. All required rear yards shall be unobstructed from ground level to the sky, except as otherwise provided in this Section.

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\* Amended by Ord. #481, 5/8/72

#### 4.4.5 OPEN SPACE REQUIREMENTS

- (a) Not less than 300 square feet of open lot area, exclusive of any required vehicular driveways, shall be provided for each dwelling unit on the ground floor and at least 150 square feet of open lot area, exclusive of any required vehicular driveways, shall be provided for each dwelling unit above the first floor.
- (b) The required open lot area for each ground floor dwelling unit shall be contiguous thereto, and shall have an average width of not less than 10 feet and an average length of not less than 20 feet. Such open lot area may include the required minimum yard areas set forth in this Section. Open roof decks, balconies, lanais or other open structural areas made a part of the building and improved for outdoor living, may be used to satisfy the open lot area requirements for each dwelling unit above the first floor, provided such open roof decks, balconies, lanais or other open structural areas contain a usable floor area of not less than 150 square feet for each dwelling unit.
- (c) The proposed improvement of all required open lot area (garden patios) or roof decks, balconies, lanais or other structural areas intended for outdoor living shall be shown on plans submitted with applications for building permits, and upon the approval of such plans shall be considered a required part of the site and structure improvements.

#### 4.4.6 DWELLING STANDARDS - Every multiple-family or apartment building hereafter erected or established in any R-3 District, Multiple-Family, shall provide a minimum floor area for each dwelling or apartment unit in compliance with the following:

Bachelor or studio-type dwelling units	420 sq. ft.
One bedroom dwelling units	600 sq. ft.
Two bedroom dwelling units	780 sq. ft.
Three bedroom dwelling units	960 sq. ft.

The floor area shall be measured from the outside face of exterior walls or the center of interior walls enclosing each apartment dwelling, and may include all closet space and storage area contained within the apartment unit; but shall not include outside patios, balconies, or terraces, or utility rooms used jointly by occupants of the apartment building.

#### 4.4.7 OFF-STREET PARKING - Off-street automobile parking space shall be provided in accordance with the provisions of Section 8 of this Ordinance.

#### 4.5 REGULATIONS FOR MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL DISTRICTS - R-4 - The regulations in this Section shall apply to all land in the R-4 Districts and shall be subject to all the general provisions and regulations of this Ordinance.

#### 4.5.1 PERMITTED USES

- (a) Any use permitted in any R-1, R-2 or R-3 Residential Districts.
- (b) Accessory uses which are necessary to the above mentioned uses.

#### 4.5.2 CONDITIONAL USES - The following uses shall be permitted only when authorized by a Conditional Use Permit issued in accordance with the provisions of Section 11 herein:

- (a) Any Conditional Use permitted in the R-3 Multi-Family Residential Districts.
- (b) Convalescent homes, rest homes or nursing homes, accommodating more than five persons, in addition to the owner or manager and his family.
- (c) Lodging, boarding or rooming houses as defined in this Ordinance.
- (d) Private clubs or lodges, except those the chief activity of which is a service normally carried on as a business. The serving of food and meals may be permitted provided that adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests may be allowed in conjunction with the operation of a dining room, or they may be served in a separate room or rooms.
- (e) Fraternity and sorority houses.
- (f) Hospitals and sanitariums, but not including animal hospitals.

#### 4.5.3 SITE AREA, DIMENSION AND DENSITY LIMITATIONS

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- (a) LOT AREA - For every building hereafter erected or structurally altered as a multiple-family dwelling, apartment or row dwelling structure containing more than two dwelling units in any R-4 Districts, there shall be provided a lot area of not less than 1,450 square feet for each dwelling unit having not more than one bedroom plus 125 square feet for each bedroom in excess of one and no such use shall be established on any building site containing less than 6,000 square feet of area, provided however; that:
  - 1. Where a building site is of such size as to provide an excess area over and above the minimum lot area of 1,450 square feet per dwelling unit, one additional dwelling unit, not including a bedroom, may be constructed or structurally altered provided the excess lot area is not less than 750 square feet.

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\* Amended by Ord. #502, 2/22/73

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2. On sites designated R-4 within the Downtown Specific Plan Area as identified in the Downtown Plan Zoning Policy Map Figure 7.1 and Land Use Policy Map Figure 5.1 the minimum lot size shall be 7,200 square feet. Minimum lot frontage shall be 72 feet and minimum average lot width shall be 60 feet.

(b) LOT AREA - CONDITIONAL USE - Minimum lot sizes for Conditional Uses shall be the same as prescribed in the R-3 District, Multiple-Family Dwelling.

(c) FLOOR AREA RATIO - The floor area ratio of buildings and structures on a building site in this District shall not exceed 1.4.

(d) HEIGHT LIMITATION - No multi-family structure in any R-4 District shall have a height in excess of 50 feet, provided that in the case of structures having frontage on the down slope side of a street the maximum height may be measured from top of curb at midpoint of frontage of said lot and except as provided for on sites designated R-4 within the Downtown Specific Plan Area as identified in the Downtown Plan Zoning Map Figure 7.1 and Land Use Policy Map Figure 5.1 the maximum height shall be 40 feet.

4.5.4 YARD AREAS - The regulations set forth for R-3 Districts in Section 4.4.4 shall apply to all R-4 Multi-Family Residential Districts.

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4.5.5 OPEN SPACE REQUIREMENTS - The regulations set forth in the R-3 Districts in Section 4.4.5 shall apply to all R-4 Multi-Family Residential Districts.

4.5.6 DWELLING STANDARDS - The regulations set forth for R-3 Districts in Section 4.4.6 shall apply to all R-4, Multi-Family Residential Districts.

4.5.7 OFF-STREET PARKING - Off-street automobile parking space shall be provided in accordance with the provisions of Section 8 of this Ordinance.

4.6 REGULATIONS FOR HIGH DENSITY MULTI-FAMILY RESIDENTIAL DISTRICTS - R-5 - The regulations in this Section shall apply to all land in the R-5 Districts and shall be subject to all the general provisions and regulations of this Ordinance.

4.6.1 PERMITTED USES - Any use permitted in any R-1, R-2, R-3 or R-4 Districts.

4.6.2 CONDITIONAL USES - The following uses shall be permitted only when authorized by a Conditional Use Permit issued in accordance with the provisions of Section 11 herein:

(a) Any use permitted as a Conditional Use in the R-4 Multi-Family Residential Districts.

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\* Added by Ord. #850, 10/24/91

- (b) Apartment Hotels.
- (c) Private clubs, lodges and fraternal organizations, including the serving of food and beverages to members and their guests, and including such other facilities customarily provided for the comfort and convenience of the membership.
- (d) Multi-family structures having a height in excess of 50 feet.

#### 4.6.3 SITE AREA, DIMENSION AND DENSITY LIMITATIONS

- \* (a) LOT AREA - Every building hereafter erected or structurally altered as a multiple-family dwelling, apartment or row dwelling structure containing more than two dwelling units in the R-5 Districts shall provide a lot area per dwelling unit of not less than 1000 square feet plus 100 square feet for each bedroom in such unit, and no such use shall be established on a site less than 7,200 square feet in area.

\*\* On sites designated R-5 within the Downtown Specific Plan Area as identified in the Downtown Plan Zoning Policy Map Figure 7.1 and the Land Use Policy Map Figure 5.1 the minimum lot frontage shall be 72 feet and minimum average lot width shall be 60 feet.

- (b) LOT AREA - CONDITIONAL USE - Minimum building site sizes for Conditional Uses shall be prescribed by the Commission at the time a Conditional Use is authorized, but in no case shall any such site be less than 7,200 square feet in area, or less than 60 feet in average width.
- (c) FLOOR AREA RATIO - The floor area ratios of buildings and structures in this District shall not exceed 3.5.
- (d) HEIGHT LIMITATION - No multi-family structure in any R-5 District shall have a height in excess of 50 feet, provided that in the case of structures having frontage on the down slope side of a street the maximum height may be measured from top of curb at midpoint of frontage of said lot subject to the provisions of Section 4.6.2 (d) of this Ordinance.

- \*\* (e) DOWNTOWN SPECIFIC PLAN SITE DEVELOPMENT STANDARDS - Maximum height for multi-family structures within the Downtown Specific Plan Area as identified in the Downtown Plan Zoning Policy Map Figure 7.1 and the Land Use Policy Map Figure 5.1, shall be 40 feet. Building and site design and development shall be subject to the provisions of Sections 5.3.14, 5.3.15, 5.3.16, and 5.3.17 of this Ordinance together with all the general provisions of this Ordinance unless otherwise noted and in the event of conflict these regulations shall prevail.

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\* Amended by Ord. #502, 2/22/73

\*\* Added by Ord. #850, 10/24/91



#### 4.6.4 YARD AREAS

(a) FRONT YARD - The same regulations shall apply as required in the R-3 District, Multi-Family Dwelling.

(b) SIDE YARD

1) For one and two story multi-family dwellings, there shall be provided and maintained a side yard of not less than six feet on each side of the principal building. For multi-family dwelling structures of more than two stories in height, the side yard adjacent thereto shall be increased one foot in width for each additional story or fraction thereof, but in no case shall a side yard of more than 20 feet be required.

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2) For one and two story multiple-family dwellings on corner lots, there shall be maintained a minimum side yard of not less than 15 feet on the side adjacent to the street which intersects the street upon which the building maintains lot frontage, and in the case of a reversed corner lot, there shall be maintained a setback from the side street of not less than 50 percent of the front yard required on the lots in the rear of such corner lots, but such setback need not exceed 10 feet. No accessory building on said reversed corner lot shall project beyond the front yard required on the adjacent lot to the rear, nor be located nearer than six feet to the side lot line of said adjacent lots. For multi-family dwelling structures of more than two stories in height, the minimum required side yards shall be increased one foot in width for each additional story or fraction thereof, but in no case shall a side yard of more than 20 feet be required.

(c) REAR YARD - On a building site upon which a building is constructed there shall be a rear yard of not less than 15 feet, for habitable portions of the building, and not less than 10 feet for all non-habitable structures or portions of the principal building. For buildings more than three stories in height the minimum rear yard shall be increased two feet for each additional story or fraction thereof, but in no case shall a rear yard of more than 25 feet be required.

1) On a building site improved with a non-residential building, exclusive of residential accessory buildings, there shall be a side yard of not less than 10 feet on each side of the principal structure. Additional side yard area may be required as a part of a Conditional Use Permit.

All required rear yards shall be unobstructed from ground level to the sky, except as otherwise provided in this Ordinance.

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\* Amended by Ord. #481, 5/8/72

- \* 4.6.5 OPEN SPACE REQUIREMENTS - The regulations set forth in the R-3 Districts in Section 4.4.5 shall apply to all R-5 Multi-Family Residential Districts.
- 4.6.6 DWELLING STANDARDS - The regulations set forth in Section 4.4.6 shall apply to all R-5, Multi-Family Residential Districts.
- 4.6.7 OFF-STREET PARKING - Off-street automobile parking shall be provided in accordance with the provisions of Section 8 of this Ordinance.
- \*\* 4.7 HILLSIDE RESIDENTIAL AND OPEN SPACE (HRO) DISTRICTS (note: HRO-1 applies to unsubdivided, HRO-2 applies to subdivided)
  - 4.7.1 PURPOSE - The City Council finds and declares that certain areas of the City provide unique terrain features and add substantially to the character of the area, that the location and visibility of development therein will affect the visual quality of the environment, and that hillside development should preserve the natural terrain while providing a density of residential development compatible with the limitations of slope on the development site. The Council further finds that there are geologic and soils hazards in the area, steep slopes, and inadequate roadways making it necessary to reduce density in portions of the San Juan Hills Area to protect the public safety and to reduce significant and cumulative traffic impacts to the Ralston Avenue corridor. The objectives of this chapter's regulations are to encourage minimal grading and to reduce citizens' exposure to hazardous slopes by decreasing residential density as slope increases, to encourage clustering of homes and density transfer to reduce roadway and driveway grading, to regulate home size, and to encourage the voluntary merger of lots.
  - 4.7.2 PERMITTED USES - The following uses shall be permitted in the HRO-1, HRO-2 and HRO-3 Districts:
    - (a) One-family residences except in the HRO-3 Zone west of Hastings Drive and accessed by Carlmont Drive.
    - (b) Private stables for the keeping of horses as provided for in the City Code.
    - (c) Accessory structures and uses located on the same site as a one-family residence for which the use is clearly related to single-family dwelling, including the following:
      - 1) Garages and carports.
      - 2) Garden structures.

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\* Added by Ord. #850, 10/24/91

\*\* Added by Ord. #808, 4/11/89; Amended by Ord. #848, 8/8/91

- 3) Greenhouses.
- 4) Storage buildings.
- 5) Recreation rooms.
- 6) Hobby shops provided that no noisy or otherwise objectionable machinery or equipment is used and provided that no sales are made therefrom.
- 7) Private swimming pools.
- (d) Home occupations as defined in Section 2.68 and associated signs not exceeding one square foot in area.
- (e) Temporary subdivision sales offices in accordance with the provisions of Section 9.5.2 of this Ordinance provided such use is for no more than 60 days.
- (f) Temporary buildings or trailers used during construction on the site, for a period not to exceed the duration of the related building permit.
- (g) A sign not exceeding 4 square feet in area pertaining to the sale, lease, rental, or display of the property on which the sign is located.
- (h) Small-family day care homes (6 or fewer children).

4.7.3 **CONDITIONAL USES** - The following uses shall be permitted in the HRO-1, HRO-2, and HRO-3 Districts, except as otherwise specified, only when authorized by a Conditional Use Permit issued in accordance with the provisions of Section 11 herein:

- (a) Public parks and playgrounds and other public recreation facilities.
- (b) Public, parochial and private elementary schools and high schools.
- (c) Kindergartens, nursery schools and large-family day-care homes (more than 6 children).
- (d) Churches, parish houses, monasteries, convents and other religious institutions.
- (e) Public and private philanthropic institutions.
- (f) Nursing homes, convalescent homes or rest homes accommodating not more than 6 patients.
- (g) Public and private, nonprofit libraries and museums.

- (h) Public buildings and grounds when found by the Commission to be necessary for the public health, safety or welfare.
- (i) Public utility and public service structures or installations when found by the Commission to be necessary for the public health, safety or welfare.
- (j) Incidental and accessory structures and uses located on the same site with and necessary to the operation of a Conditional Use.

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- (k) Clustered dwelling units in the HRO-1 and HRO-3 zones, and townhouses in the HRO-3 Zone.

- (l) Density transfer of dwelling units in the HRO-2 Zone.

- (m) Floor area transfer in the HRO-2 Zone.

- (n) Signs for conditional uses, which do not exceed 10 square feet in area, are not illuminated, and are wall mounted.

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- (o) Secondary dwelling units in compliance with development standards outlined in Section 24.3, Secondary Dwelling Unit, as set forth herein.

#### 4.7.4 LOT DIMENSION STANDARDS FOR HRO-1, HRO-2, AND HRO-3 ZONES:

- (a) Lot Width - The minimum average lot width shall be 60 feet.
- (b) Lot Frontage - All lots shall have a minimum frontage of 40 feet.

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- (c) Lot dimension standards for individual townhouses in the HRO-3 zone shall be as established through the conditional use permit process.

#### 4.7.5 YARD AREA REQUIREMENTS FOR HRO-1, HRO-2, AND HRO-3 ZONES:

- (a) The minimum yard areas for primary structures shall be as follows:  
 Front yard - 15 feet.  
 Rear yard - 15 feet.  
 Side yard - 7 feet.
- (b) The minimum yard areas for accessory structures shall be as follows:  
 Front yard - 18 feet.  
 Side and rear yards - 7 feet.
- (c) The total of all accessory structures shall not occupy more than 30% of any required yard area.

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\* Amended by Ord. #848, 8/8/91

\*\* Amended by Ord. #999, 5/27/04

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(d) The minimum yard areas for townhouses in the HRO-3 zone shall be as established through the conditional use permit process.

4.7.6 BUILDING HEIGHT - The maximum height for primary structures shall be 28 feet. The maximum height for accessory structures shall be 15 feet.

4.7.7 OFF-STREET PARKING - Off-street automobile parking spaces shall be provided in accordance with the provisions of Section 8 of this Ordinance.

4.7.8 FENCES, WALLS, AND HEDGES - Fences, walls, and hedges not exceeding six feet in height shall be permitted with the exception that no fence, wall, or hedge on a corner lot shall exceed 3 ½ feet in height when located within 25 feet of the property corner at the street intersection.

4.7.9 GENERAL RESIDENTIAL DENSITY AND LOT SIZE STANDARDS - The maximum allowed residential dwelling unit densities and minimum lot sizes in the HRO districts shall be computed in accordance with the applicable provisions of the Slope Density Table in this Section unless a conditional use permit authorizing a smaller lot size is approved pursuant to provisions in the respective HRO Zone. The maximum allowable densities and the minimum allowable lot sizes shall be based upon net land area (after subtracting public street rights of way and vehicular access easements). Lot slope shall be calculated using the formula from the definitions section of Ordinance 360 and lot slopes ending in ½% or more shall be rounded to the next highest whole number. Each lot created by subdivision, or any remainder parcel associated with a subdivision, shall individually meet the minimum lot size standard based upon that lot's particular slope. The allowable density indicated, however, does not preclude the hearing body from determining that a lower density, or larger lots, from that indicated is required to meet the purpose of this ordinance and the goals and policies of the General Plan.

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\* Added by Ord. #848, 8/8/91

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TABLE 1

HRO DENSITY AND MINIMUM LOT SIZE STANDARDS

AVERAGE LOT SLOPE	DWELLINGS PER NEW ACRE	MINIMUM LOT SIZE
1 – 10%	1.452	30292
11%	1.357	32100
12%	1.274	34192
13%	1.200	36300
14%	1.134	38413
15%	1.076	40483
16%	1.023	42581
17%	0.908	47974
18%	0.816	53382
19%	0.741	58785
20%	0.679	64153
21%	0.626	69585
22%	0.581	74974
23%	0.542	80369
24%	0.508	85748
25%	0.478	91130
26%	0.448	97232
27%	0.422	103223
28%	0.399	109173
29%	0.378	115238
30%	0.359	121337
31%	0.342	127368
32%	0.315	138286
33%	0.292	149178
34%	0.271	160738
35%	0.243	179259
36%	0.220	198000
37%	0.201	216716
38%	0.184	236739
39%	0.171	254737
40%	0.159	273962
41%	0.145	300414
42%	0.133	327519
43%	0.123	354146
44%	0.115	378783
45%	0.108	403333

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\* Amended by Ord. #979, 5/14/02

#### 4.7.10 HRO-1 ZONING DISTRICT STANDARDS

- (a) **RESIDENTIAL DENSITY AND LOT SIZE STANDARDS** - Each lot existing as of the time of application of this ordinance and each lot created by land division shall comply with the General Density and Lot Size Standards of Section 4.7.9 unless a use permit for clustering is granted pursuant to the procedures and noticing requirements of Section 11.
- (b) **FLOOR AREA** - The maximum allowable floor area shall be 4,500 sq. ft. on parcels 20,000 sq. ft. and larger, and on clustered developments with an average lot size of 20,000 sq. ft. and larger. The maximum allowable floor area on all other lots shall be 3,500 sq. ft.
- (c) **CLUSTERING OF SINGLE FAMILY RESIDENCES** - The grouping of residences on smaller lots and in closer proximity than otherwise permitted may be allowed in the HRO-1 District upon the granting of a Conditional Use Permit in order to reduce grading, visual impact, and provide permanent open space.
  - 1) **Application requirements.** A Conditional Use Permit application for clustering shall be accompanied by the following:
    - a. A map showing the existing parcels with dimensioned parcel boundaries, parcel areas, and topography at five (5) foot contour intervals or less.
    - b. Site plan showing the proposed parcels with dimensioned parcel boundaries, parcel areas, together with proposed locations of all homes, yard areas, driveways, and grading.
    - c. Proposal for the location, ownership, and management of the permanent open space.
  - 2) **Standards for Clustering:**
    - a. Residential density within the clustered development shall be required to meet the density standards of section 4.7.9 but not the minimum lot size standards.
    - b. The minimum lot size in clustered development shall be 10,000 sq. ft.
    - c. The lot dimension standards of Section 4.7.4 shall not apply. Clustered lots shall not be less than 50 feet in average width, nor have less than 30 feet street frontage.

- d. Permanent open space shall be provided over all open space parcels and over all portions of lots exceeding 10,000 sq. ft.
  - e. Except as provided herein, all other development standards of the HRO-1 district shall apply.
- 3) Conditional Use Permit Findings Required for Planning Commission Approval:
- a. The development resulting from clustering is consistent with the policies of the San Juan Hills Area Plan.
  - b. The development which would result from clustering of residences would reduce grading and vegetation removal and result in better home sites and overall pattern of development than could be achieved through the application of this ordinance without clustering.
  - c. The open space areas will not create an enforcement or maintenance problem and will be protected from development by the establishment of an open space or conservation easement over its entirety, and adequate provision for the ownership and management of such property and easements will be provided.
  - d. All clustering standards will be met.
  - e. The general use permit findings of Section 11 are supported by the nature of the request.

#### 4.7.11 HRO-2 ZONING DISTRICT STANDARDS

- (a) RESIDENTIAL DENSITY AND LOT SIZE STANDARDS - Each lot and land subdivision shall comply with the general density and lot size standards of Section 4.7.9 unless a permit for Density or Floor Area Transfer, or a Lot Line Adjustment is approved.
- (b) FLOOR AREA RATIO - The permitted floor area on lots 40,000 sq. ft. or larger in area shall be 3,500 sq. ft. The permitted floor areas on lots less than 40,000 sq. ft. are based on lot slope and shall be determined using the applicable floor area ratio in Table 2. The floor area on each lot shall not total more than 3,500 sq. ft. and is allowed to be at least 900 sq. ft.

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\* Amended by Ord. #982, 1/28/03



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TABLE 2

HRO-2 FLOOR AREA RATIO STANDARDS

AVERAGE SLOPE	FAR	SLIDING SCALE MINIMUM FLOOR AREA (LOTS 31% - 45% SLOPE AND UP)
1 – 10%	0.350	1,200
11%	0.327	1,200
12%	0.307	1,200
13%	0.289	1,200
14%	0.273	1,200
15%	0.259	1,200
16%	0.246	1,200
17%	0.219	1,200
18%	0.197	1,200
19%	0.179	1,200
20%	0.164	1,200
21%	0.151	1,200
22%	0.140	1,200
23%	0.131	1,200
24%	0.122	1,200
25%	0.115	1,200
26%	0.108	1,200
27%	0.102	1,200
28%	0.096	1,200
29%	0.091	1,200
30%	0.087	1,200
31%	0.083	1,180
32%	0.076	1,160
33%	0.070	1,140
34%	0.065	1,120
35%	0.059	1,100
36%	0.053	1,080
37%	0.048	1,060
38%	0.044	1,040
39%	0.041	1,020
40%	0.038	1,000
41%	0.035	980
42%	0.032	960
43%	0.030	940
44%	0.028	920
45% & UP	0.026	900

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\* Amended by Ord. #982, 1/28/03

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- (c) **SUBSTANDARD LOTS** - Vacant lots which are nonconforming to the required lot size shall be allowed a floor area which is the larger of 1,200 sq. ft. or the floor area ratio applicable to the lot's slope category, except when the average lot slope exceeds 30%, then the allowed floor area shall be the larger of the minimum floor area or the floor area ratio applicable to the lot's slope category as shown on Table 2 – HRO-2 Floor Area Ratio Standards.
- (d) **FLOOR AREA TRANSFER** - The permanent transfer of floor area development potential in the HRO-2 Zoning District from one discontinuous site to another site along the same roadway and within the same statistical subarea as shown on the San Juan Hills Area Plan shall be permitted upon approval of an Administrative Conditional Use Permit by the Zoning Administrator. Any project resulting in a floor area ratio exceeding 0.5 shall be subject to public hearing by the Planning Commission. Floor area transfer use permits are subject to the following:
  - 1. **Application requirements** - A conditional use permit application for floor area transfer shall be accompanied by the following:
    - a. Map showing the location and boundaries of the proposed sending and receiving parcels.
    - b. Calculations showing the maximum allowable floor area on the receiving parcel according to the requirements of this ordinance.
    - c. Site plan of the receiving parcel showing the proposed locations of all buildings, driveways, and grading.
    - d. A signed contractual agreement with the owner of the sending property to transfer floor area to the owner of the receiving parcel, and agreeing to record an open space or conservation easement restricting all development potential attributable to the sending parcel, and evidence of title insurance on the sending parcel indicating that the parties to the contractual agreement have the right to enter into such a contract.
    - e. Program for ownership and management of the sending property. Such a program may include merger with contiguous property, fee ownership by a private conservation organization; fee ownership by the owner of the receiving parcel, or other means approved by the Planning Commission.
    - f. An approved hillside road improvement plan.

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\* Amended by Ord. #979, 5/14/02, and by Ord. #982, 1/28/03

2. Standards for Floor Area Transfer

- a. Floor area and development rights transfer shall be by recordation of a deed of development rights transfer on each lot describing the transfer between the owners of the sending and receiving parcels.
- b. An open space or conservation easement and an ownership and open space management plan for the sending parcel shall be approved and recorded prior to issuance of a building permit for construction of any transferred floor area.
- c. The total floor area allowed on the receiving property shall be that which would be allowed on the receiving lot plus 1,200 sq. ft. If the applicant can demonstrate through survey that the sending property would yield more than 1,200 sq. ft. then the floor area allowed on the receiving site shall be the summation of the floor area allowed on the sending and receiving sites. Total allowed floor area shall not exceed 3,500 sq. ft. on any one lot.

3. Conditional Use Permit Findings Required for Approval

- a. The proposed transfer of density is consistent with the policies of the San Juan Hills Area Plan and the Geologic Hazards Ordinance.
- b. Adequate infrastructure exists or its construction is assured, and for sites requiring road improvement plans, such plans have been approved.
- c. The pattern of development which would result from the transfer of floor area is better than could be achieved through the application of this ordinance without floor area transfer, due to less grading, less street and utility extension, and better building site locations.
- d. The sending property will be protected from development by the establishment of a conservation easement over its entirety, or be merged with an adjacent lot and a conservation easement established over land equal in area to the sending site, and the ownership and management of such property will be adequately provided for.

- e. The proposed building sites will not be in an area designated Md or Pdf on the current geologic hazards map.
  - f. All floor area transfer standards will be met.
- (e) DENSITY TRANSFER - The permanent transfer of residential units in the HRO-2 Zoning District from one group of lots to another discontiguous site along the same roadway and within the same statistical subarea as shown on the San Juan Hills Area Plan shall be permitted upon approval of a conditional use permit by the Planning Commission. Density transfer use permits are subject to the following:
- 1) Application requirements - A conditional use permit application for density transfer shall be accompanied by the following:
    - a. Map showing the location and boundaries of the proposed sending and receiving parcels.
    - b. Calculations showing the maximum allowable density and minimum lot size on the sending and receiving parcels according to the requirements of this ordinance.
    - c. Site plan of the receiving parcels showing the proposed locations of all homes, driveways, and grading.
    - d. A signed contractual agreement with the owner of the sending property to transfer density to the owner of the receiving parcel, and agreeing to record an open space or conservation easement restricting all development potential attributable to the sending parcel and evidence of title insurance for the sending parcel indicating that the parties to the contractual agreement have the right to enter into such a contract.
    - e. Program for ownership and management of the sending property. Such a program may include merger with contiguous property, fee ownership by a qualified private conservation organization, fee ownership by the owners of the receiving parcel, or other means approved by the Planning Commission.
    - f. An application for a tentative subdivision map.
    - g. An approved hillside road improvement plan.

2) Standards for Density Transfer

- a. The receiving site shall be at least 20,000 sq. ft. and each lot created as part of the density transfer procedure shall be a minimum of 10,000 sq. ft. and shall not be required to meet the minimum lot size standards Section 4.7.9. b. One transferred residential unit shall be allowed for each 3 lots, which have density transferred from them.
- b. Density transfer shall be by recordation of a deed of development rights transfer on each lot describing the transfer between the owners of the sending and receiving parcels.
- c. An open space or conservation easement and an ownership and open space management plan shall be approved and in place prior to issuance of a building permit for construction of any transferred density.
- d. The floor area allowed on each lot created as part of the density transfer procedure shall be 3,500 sq. ft.

3) Conditional Use Permit Findings Required for Approval

- a. The proposed transfer of density is consistent with the policies of the San Juan Hills Area Plan and the Geologic Hazards Ordinance.
- b. Adequate infrastructure exists or its construction is assured.
- c. The pattern of development which would result from the transfer of density is better than could be achieved through the application of this ordinance without density transfer, by reducing the need for roadway extensions, reducing grading, and relocating development potential to less steep areas.
- d. The sending property will be protected from development by the establishment of a conservation easement over its entirety, or be merged with an adjacent lot and a conservation easement established over land equal in area to the sending site, and the ownership and management of such property will be adequately provided for.

- e. The proposed building sites will not be in an area designated Md or Pdf on the current geologic hazards map.
  - f. All density transfer standards will be met.
- f) **LOT LINE ADJUSTMENTS:** Lot line adjustments are permitted in the HRO-2 Zoning District upon approval by the Zoning Administrator. Any lot line adjustment resulting in four (4) or more reconfigured lots shall be subject to a public hearing by the Planning Commission. Lot line adjustment applications are subject to the following:
- 1. **Application Requirements:**
    - a. Site plan of the proposed parcels showing existing property lines, the proposed sizes of the newly configured parcels, and the locations of all homes, driveways, and grading.
    - b. An approved road improvement plan.
  - 2. **Standards for Lot Line Adjustments:**
    - a. The lot size standards of section 4.7.11a must be met. They may be waived if the following standards are met:
      - 1. The proposed lot line adjustment is consistent with the policies of the San Juan Hills Area Plan and the Geologic Hazards Ordinance.
      - 2. The pattern of development which would result is better than could be achieved through the application of this ordinance without lot line adjustment, due to less grading, less street and utility extension, and better building site locations.
      - 3. The total number of lots is reduced.
      - 4. No reconfigured lot shall be less than 10,000 sq. ft. and no lot shall be reduced from its present size.
      - 5. Adequate infrastructure exists or its construction is assured.

- b. For each lot eliminated 900 sq. ft. shall be allowed on the reconfigured site in addition to that which would be allowed on the newly configured lot by the floor area standards of Sec.4.7.11 (b), up to a maximum of 3,500 sq. ft.
- g) **ZONING ADMINISTRATOR DECISION NOTIFICATION AND APPEAL PROCEDURE:** The following procedures shall apply when the Zoning Administrator takes action on Floor Area Transfer and Lot Line Adjustment applications.
  - (1) Notice of action shall be sent to the applicant via U.S. mail.
  - (2) Notice of approval of an application shall be made to the general public by publication in a newspaper of general circulation with the next regular publication of Planning Commission hearing items.
  - (3) A ten-day appeal period shall commence from the date of publication of the notice of action for an approved application, and ten days from the date of action for denied applications.

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#### 4.7.12 HRO-3 ZONING DISTRICT STANDARDS

- A. **RESIDENTIAL DENSITY AND LOT SIZE STANDARDS** - Each lot existing as of the time of application of this ordinance and each lot created by land division shall comply with the General Density and Lot Size Standards of Section 4.7.9 unless a use permit for clustering of single family homes or townhouses is granted pursuant to the procedures and noticing requirements of Section 11.
- B. **FLOOR AREA** - The maximum allowable floor area for single-family homes shall be 3,500 sq. ft. and 3,750 for single-family homes with three-car garages, 2,500 sq. ft. average unit size for townhouse developments, and 2,500 sq. ft. for single-family homes on substandard lots and on lots over 45% average slope.
- C. **CLUSTERING OF SINGLE FAMILY RESIDENCES AND TOWNHOUSES** - The grouping of single family residences and townhouses on smaller lots than specified in Table 1 may be allowed in the HRO-3 District upon the granting of a Conditional Use Permit.
  - 1) Application requirements. A Conditional Use Permit application for clustering or townhouses shall be accompanied by the following:

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\*Added by Ord. #848, 8/8/91

- a. A map showing the existing parcels with dimensioned parcel boundaries, parcel areas, and topography at five (5) foot contour intervals or less.
- b. Site plan showing the proposed parcels with dimensioned parcel boundaries, parcel areas, together with proposed locations of all homes, yard areas, driveways, and grading.
- c. A proposal for the location, ownership, and management of the permanent open space.
- d. A detailed storm drainage runoff analysis of impacts to the respective drainage area together with a schedule of necessary improvements.
- e. A hillside road plan for any needed roadway extensions.
- f. A preliminary plan indicating how water service will be provided.
- g. Documentation that sewage treatment capacity is available.
- h. A statement indicating how the proposed project complies with each of the Western Hills Area Plan policies regarding geologic hazards, biotics, land use, open space areas, community design, transportation and circulation, and infrastructure.

2) Standards for Clustering of Single Family Homes

- a. Residential density within the development shall be required to meet the density standards of section 4.7.9 but not the minimum lot size standards.
- b. The minimum lot size in clustered development shall be 10,000 sq. ft. for single family residences.
- c. The lot dimension standards of Section 4.7.4 shall not apply. Clustered lots shall not be less than 50 feet in average width, nor have less than 30 feet street frontage.
- d. Permanent open space shall be provided over all open space parcels and over all portions of lots exceeding 10,000 sq. ft.
- e. Except as provided herein, all other development standards of the HRO-3 district shall apply.



- 3) Standards for Clustering of Townhouses
- a. Residential density within the townhouse development shall be required to meet the density standards of section 4.7.9 but not the minimum lot size standards.
  - b. No more than 30% of all dwellings constructed in any one development east of Hastings Drive shall be townhouses, and all dwellings constructed west of Hastings Drive and accessed by Carlmont Drive shall be townhouses.
  - c. The minimum lot size and building setback standards in the townhouse development shall be established through the use permit process to assure adequate open space and privacy.
  - d. Fee title lots for individual townhouses shall generally conform to each unit's outer perimeter walls, private yards, garages, and driveways.
  - e. Private yards no less than 250 sq. ft. shall be provided for all townhouses.
  - f. All areas not part of developed common area or private townhouse lots shall be placed in open space parcels. Permanent open space easements shall be provided over all open space parcels.
  - g. Except as provided herein, all other development standards of the HRO-3 district shall apply.
- 4) Conditional Use Permit Findings Required for Planning Commission Approval:
- a. The development resulting from clustering is consistent with the policies of the Western Hills Area Plan.
  - b. For single family home clustering all standards of Sec. 4.7.12(c)(2) will be met, and for townhouse clustering all standards of Section 4.7.12(c)(3) will be met.
  - c. The open space areas will not create an enforcement or maintenance problem and will be protected from development by the establishment of an open space or conservation easement over its entirety, and adequate provision for the ownership and management of such property and easements will be provided.

- d. Adequate new roadways and water, drainage, and sewerage facilities to serve the development are assured.
- e. The general use permit findings of Section 11 are supported by the nature of the request.

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#### 4.7.13 EXCEPTIONS AND VARIANCES TO HRO-1, HRO-2, AND HRO-3 STANDARDS

Exceptions to floor area standards for single family homes according to the provisions of Section 4.2.10 shall not be allowed. All HRO standards shall be subject to the variance provisions of Section 14.

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\*Amended by Ord. #971, 8/14/01